

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MATHEW BRAY,

Plaintiff,

vs.

UNION PACIFIC RAILROAD CO.,

Defendant.

**8:23CV235**

**AMENDED FINAL PROGRESSION  
ORDER**

THIS MATTER is before the Court on the parties' Joint Motion to Amend Progression. ([Filing No. 34.](#)) The motion is granted. Accordingly,

IT IS ORDERED that the provisions of the Court's previous final progression order remain in effect, and in addition to those provisions, case progression shall be amended as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference presently scheduled for June 13, 2024, is canceled. A status conference to discuss **case progression, the parties' interest in settlement, and the trial and pretrial conference settings** will be held with the appointed special master or assigned magistrate judge on **September 5, 2024 at 11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. ([Filing No. 29](#))
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is **August 30, 2024**. Motions to compel written discovery under Rules 33, 34, 36 and 45 must be filed by **September 13, 2024**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the appointed special master or assigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **August 30, 2024**.
  - a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 10.
  - b. Depositions will be limited by Rule 30(d)(1).

- 4) The deadline for filing motions to dismiss and motions for summary judgment is **September 27, 2024**.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 27, 2024**.
- 6) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 7) All requests for changes of deadlines or settings established herein shall be directed to the appointed special master or assigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 7th day of June, 2024.

SIGNED:

s/ Kate O. Rahel

Appointed Special Master